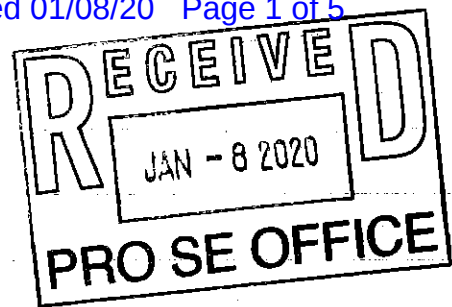


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Martin S. Gottsfeld, pro se,  
Plaintiff  
- against -  
Hugh J. Hurwitz, et al.

Case No.: 18-cv-10836-PGG-GWG

MOTION FOR ASSISTANCE WITH OR WAIVER OF SERVICE

Plaintiff Martin S. Gottsfeld (herein the "plaintiff"), acting pro se, hereby moves The Honorable Court to issue an order either: (a) directing the Clerk of The Court to provide ongoing assistance with the service of his Filings, or (b) relieving the plaintiff of his duty to serve his Filings upon the Defendants.

In support of this motion, the plaintiff herewith provides exhibits 1-2 hereto pursuant to Fed. R. Evid. 201(c)(2).

Respectfully filed in accordance with the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), by mailing to The Court in an envelope bearing sufficient affixed pre-paid first-class U.S. postage, headed to Ms. ~~S. E. [illegible]~~ of the FCI Terre Haute CMU unit team, acting in her official capacity as an agent of the defendants on Friday, December 27th, 2019, on the first opportunity thereafter,

by: MTG

Martin S. Gottsfeld, pro se  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

## Declaration of Martin S. Gottsfeld:

I, Martin S. Gottsfeld, declare under the penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746 that the following is true and correct on this 27th day of December, 2019:

1. I am Martin S. Gottsfeld, the sole plaintiff in the case of Gottsfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG (herein "the case"), currently pending before The Honorable U.S. District Court for The Southern District of New York (herein "The Court").

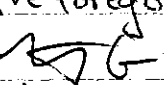
2. Today, Ms. J. Wheeler of the FCI Terre Haute CMU unit team, acting in her official capacity as an agent of the defendants in the case, told me directly that based upon instructions of the FCI Terre Haute Legal Department, the staff here at FCI Terre Haute will no longer provide me more than one (1) copy of my outgoing court documents.

3. This leaves me unable to serve my filings upon counsel for the defendants in the case since I must retain the one (1) copy I am to be provided for my own records.

4. I have formally requested the preservation of the audio/video recording of the above conversation between me and Ms. J. Wheeler, Exhibit 2.

5. I believe that counsel for the defendants nonetheless receives digital copies of all my court filings shortly after they are scanned by the FCI Terre Haute CMU unit team even if I don't mail them directly to counsel.

Page  
1  
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1

I declare under the penalty of perjury under the laws of The United States that the foregoing is true and correct. Executed on December 27th, 2019.  
by:   
Martin S. Gottsfeld

To: CMU Unit Team

From: Martin S. Gottesfeld (Reg. No.: 12982-104)

Date: Friday, December 27th, 2019

Subject: Preservation of evidence against spoliation or other loss for litigation

Salutations Unit Team,

I hope you're well.

I hereby formally request the preservation against spoliation or other loss of the following audio/video surveillance footage, which I certify in good faith under the penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1) is relevant and admissible in the cases of Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG (S.D.N.Y.); Brown v. Fed. Bureau of Prisons, 1:19-cv-02795(RBW) (D.P.C.); and Gottesfeld v. Lammer, pending filing (S.D. Ind.):

- Friday, December 27th, 2019, approx. 10:05 A.M.; FCI Terre Haute CMU SHU; Mail call, Ms. J. Wheeler and prisoner Gottesfeld discuss photocopies, service of process, and requests for the preservation of audio/video surveillance footage.

Please let me know in writing if there is anything else that I must do to ensure the availability of the above evidence.

Thanks,



Martin S. Gottesfeld, pro se

- Page 1 of 1 -

CERTIFICATE OF RELATED SERVICE

I, Martin S. Gottsfeld, pro se, certify that pursuant to the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), I served upon counsel for the defendants in the case of Gottsfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG (S.D.N.Y.) copies of the following eight (8) filings:

(1) previous CERTIFICATE OF RELATED SERVICE, dated Wednesday, December 18th, 2019;

(2) Declaration of Martin S. Gottsfeld re maximum capacity of the MCCNY SHU, Wednesday, December 18th, 2019;

(3) Declaration of Martin S. Gottsfeld re Counselor Espinet, Wednesday, December 18th, 2019;

(4) Declaration of Martin S. Gottsfeld re Gottsfeld v. Hurwitz, et al., and Hill v. Tatum, Wednesday, December 18th, 2019;

(5) RENEWED MOTION FOR COPY OF GOVERNMENT'S LETTER, Sunday, December 22nd, 2019;

(6) MOTION TO COMPEL AUDIO AND VIDEO RECORDING(S) OF FORCED-FREEDING(S), Sunday, December 22nd, 2019;

(7) CLAIM FOR MANDATORY JUDICIAL NOTICE (F.R. EVID. 201(c)(2)), Sunday, December 22nd, 2019; and

(8) this CERTIFICATE OF RELATED SERVICE in envelope(s) bearing sufficient affixed pre-paid first-class U.S. postage handed to Ms. ~~J. [illegible]~~ of the FCI Terre Haute CMU unit team, acting in her official capacity as an agent of the defendants, on Friday, December 27th, 2019, or the first opportunity thereafter,

by: MSG

Martin S. Gottsfeld, pro se

NAME: Martin S. Gottlieb

NUMBER: 12982-104

Federal Correctional Institution

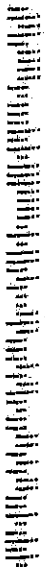
P.O. Box 33

Terre Haute, IN 47808

USNY  
USNY  
USNY

U.S. District Court  
Pro Se Clerk's Office  
500 Pearl St.  
New York, NY 10007

10007-131608



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Friday, December 27th, 2019  
Houston v. Lock, 487 U.S. 266

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	PRO SE OFFICE